

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
In re: Bernard L. Madoff Investment Securities, LLC, :  
:  
Debtor. :  
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**DATE FILED:** 12/15/15

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DIANA MELTON TRUST, :  
Appellant, :  
-v- :  
:  
IRVING H. PICARD, *Trustee for the Liquidation of* :  
*Bernard L. Madoff Investment Securities LLC,* :  
Appellee. :  
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ORDER

15 Civ. 1151 (PAE)

EDWARD A. ZRAICK, JR., et al., :  
Appellants, :  
-v- :  
:  
IRVING H. PICARD, *Trustee for the Liquidation of* :  
*Bernard L. Madoff Investment Securities LLC,* :  
Appellee. :  
-----X

15 Civ. 1195 (PAE)

MICHAEL MOST, :  
Appellant, :  
-v- :  
:  
IRVING H. PICARD, *Trustee for the Liquidation of* :  
*Bernard L. Madoff Investment Securities LLC,* :  
Appellee. :  
-----X

15 Civ. 1223 (PAE)

AARON BLECKER, et al., :  
Appellants, :  
-v- :  
:  
IRVING H. PICARD, *Trustee for the Liquidation of* :  
*Bernard L. Madoff Investment Securities LLC,* :  
Appellee. :  
-----X

15 Civ. 1236 (PAE)

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ELLIOT G. SAGOR,	:	
	:	
Appellant,	:	
-v-	:	15 Civ. 1263 (PAE)
	:	
IRVING H. PICARD, <i>Trustee for the Liquidation of</i>	:	
<i>Bernard L. Madoff Investment Securities LLC,</i>	:	
Appellee.	:	
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PAUL A. ENGELMAYER, District Judge:

The following order is to be filed in each of the above-captioned cases, which are all related.

On November 20, 2015, the Court received a letter from appellant Michael Most withdrawing his participation in the appeal. 15 Civ. 1223, Dkt. 32. Most's appeal, in addition to adopting arguments raised by other appellants on common issues, raised particular issues under the Employee Retirement Income Securities Act ("ERISA") related to transfers coming ERISA pension plan accounts at BLMIS that were rolled over into an Individual Retirement Account ("IRA"). See 15 Civ. 1223, Dkt. 11 ("Most Br.").


Appellant Elliot Sagor adopted the arguments of other appellants, including specifically, ERISA arguments. See 15 Civ. 1263, Dkt. 13 at 30 ("Sagor Br."); see also Adv. Pro. No. 08-01789, Dkt. 6900 at 16 n.28 (referencing ERISA related arguments made by other claimants). However, Sagor represents that the relevant transfer in question originated from an "omnibus account" he contributed to "through some of my [law firm] partners," and was transferred into a "self-directed IRA account" with BLMIS because "I could not have pension money in a joint omnibus account at BLMIS" after his former law firm merged with another firm. Sagor Br. at 2-3. The arguments raised by Most regarding transfers from ERISA accounts to an IRA, therefore, do not appear to encompass the factual context of Sagor's claims because the transferor account

was not held pursuant to an ERISA pension plan, and Sagor's brief does not offer any explanation for why the ERISA-based arguments would apply to his claims.

The joint Appellants' Brief from the other three related cases, 15 Civ. 1151, Dkt. 12; 15 Civ. 1195, Dkt. 11; 15 Civ. 1236, Dkt. 14, do not adopt the arguments raised by Most regarding ERISA.

Therefore, in light of Most's withdrawal of his appeal, it appears to the Court that Most's arguments pertaining to ERISA are no longer presented on this appeal, and no longer need be resolved. In the event that any party believes otherwise, it is to submit, via ECF, by December 17, 2015, a short letter to the Court explaining the basis for this position.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

Dated: December 15, 2015  
New York, New York